

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-14, 16-18 and 20-41 are pending in this application.

Examiner Interview

Applicant wishes to thank Examiner Jacob Choi for spending considerable time on July 21, 2008 during a telephone discussion of several issues extant in this application. Applicant's summary of the interview follows. During the interview the Examiner indicated that the composite layer 50, made up of regions 3 and 4 Fig. 1 of the reference were being interpreted as two sets of regions, such as shown in Fig. 3, wherein the portions 3 could be associated with layer 5 and the portions 4 could be associated with layer 6, and therefore meet the claim limitation "completely closed spaces being formed in both said first member and in said second member," as recited for example in claim 26, or alternatively, that more than one layer 50 could be used as suggested by the reference in columns 10-12. In addition, the Examiner indicated that the statement on page 7 of the Office Action that "placing greater density of closed spaces in a central portion" was obvious, even though the claims specifies the opposite, was intended to mean that it was obvious to change to any arrangement of closed spaces, including along the center, as the Examiner believes is known in the prior art. He further indicated that the claims do not require that the closed spaces be formed on the surface of the elements in which they are formed and that the Fig. 5 embodiment teaches providing two plates with closed recesses on planar surfaces placed in a facing relationship. He stated that his interpretations were "broad but reasonable" even though we disagreed.

The Examiner suggested that the claims be amended to more clearly indicate that the first member has closed spaces on one surface of the first member and that the one surface has recesses formed in the one surface and that the recesses constitute the closed spaces in the first member and the second member has closed spaces on one surface of the second member and that the one surface has recesses formed in the one surface and that the recesses constitute the closed spaces in the second member, and that the one surface of the first member is in close adhesion with the first surface of the second member, to thereby completely close the closed spaces in the first and second member. While there was no agreement that specific language would make the claims allowable, the Examiner provided helpful suggestions, and agreed to reconsider the rejections in view of the amendments presented herein as well as the following remarks, and to contact Applicant's representative before writing a rejection with amendment suggestions, should the instant amendments not be found to place the application in condition for allowance. The claims have been amended in the manner discussed during the interview, and are believed to place the application in condition for allowance. Every effort has been made to adopt suggestions made during the interview in an attempt to satisfactorily resolve all outstanding issues.

The Office Action dated June 27, 2008, has been carefully reviewed in light of the discussions which occurred during the interview. Each issue raised in that Office Action and in the interview is addressed below, and reconsideration and allowance of the pending claims is respectfully requested in view of the above amendments and the following remarks.

Applicant appreciates that the prior rejections based upon Onishi have been withdrawn.

Corrections to the Specification

The Office Action indicated that the specification had not been checked to the extent necessary to determine the possibility of all possible errors, and requested Applicant's cooperation in correcting errors. By this reply, amendments have been made to correct minor grammatical inconsistencies in the specification, without the entry of new matter. Accordingly, Applicant requests the Examiner's cooperation in bringing to our attention any additional errors of which the Examiner may become aware.

Claim Rejections – 35 U.S.C. § 102

Claims 26-37 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 7,004,610 to Yamashita et al. ("Yamashita"). While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claims 26 and 32 have been amended to recite a combination of elements in a liquid crystal display device having a surface radiation conversion element including, *inter alia*, completely closed spaces formed from recesses formed in the flat surfaces in both of the first and second members by the close adhesion of the first member and the second member flat surfaces. Applicant respectfully submits that this combination of elements as set forth in independent claims 26 and 32 is not disclosed or made obvious by the prior art of record, including Yamashita, as discussed more fully during the **Examiner Interview** discussed above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-14, 16-18, 20-25 and 38-41 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Yamashita. While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claims 1, 8, 20 and 25 have been amended to recite, *inter alia*, a liquid crystal display device having a surface radiation conversion element with completely closed spaces being formed from recesses formed in one surface of said element body form the number of completely closed spaces, and that the density of the closed spaces near an edge of an element body being of greater density than the density in a central portion of the body. As was discussed at length during the interview described above, this amendment was made to avoid the Examiner's interpretation of the spaces which can be seen in Figs. 3 and 4 of Yamashita. In addition, claims 26, 32 and 38 have been amended to recite, *inter alia*, that in the liquid crystal display device, completely closed spaces are formed from recesses on both in a surface of the first member and in a surface of the second member, and it is the connection of the two faces that creates the complete closure of the spaces.

Moreover, Applicant with all due respect, takes issue with the analysis of the rejection that appears on pages 6 and 7 of the Office Action, and which concludes that because of Figs. 2-4 and 18-20, and because of the text in columns 10-12 of the reference, "it would have been obvious ...to variously locate different sizes and shapes of low and high refractive regions throughout the element body ...rearranging parts of an invention involves only routine skill in the art", citing *Japiske*, and "...it would have been obvious to rearrange the closed spaces and its density, since the examiner takes Official Notice of that the closed spaces are commonly varied

on the light guide member to effectively provide a uniform light output.” Just because the prior art may have desired to produce uniform illumination for some applications, does not mean that all specific structures for producing uniform illumination for all applications are obvious. Here the reference shows six different forms of composite layer 50, none of which show or suggest the present claimed features of the element body. None of the embodiments of Figs. 2-4 or 18-20 show or suggest making the closed spaces of “substantially uniform size” and wherein the density of the substantially uniform sized closed spaces near an edge of the element body is greater than the density of the substantially uniform size closed spaces near the central portion of the element body. This is not a mere rearrangement of parts involving only routine skill in the art and *Japiske* does not support what the rejection concludes. The *Japiske* decision indicated there was no invention in shifting the starting switch for a hydraulic press to a different position because the operation of the device would not thereby be modified. This statement does not apply to this fact situation because the reference neither shows nor suggests substantially uniform closed spaces at all, much less substantially uniform spaces provided in varying densities in an element body in a display device. The statement in the rejection appears to be a “*per se*” rule, which is not supported by the evidence, and not permitted by Office practice. Finally, the rejection concludes with an Official Notice statement that “closed spaces are commonly varied on the light guide member to effectively provide a uniform light output” and therefore placing a greater density of closed spaces in a central portion of the element body would have been within the level of ordinary skill [during the interview Examiner Choi indicated that this statement was merely an indication that any variation would be obvious, not just this variation which is the opposite of what is being claimed]. Responsive to this statement,

Applicant challenges the Examiner to produce a reference showing or in support of what is being alleged. In addition, it must be emphasized that even if the Official Notice statement could be supported by evidence, it does not appear that such a statement would support a conclusion that this particular variation in density of substantially uniform sized closed spaces near the edges is shown or suggested. Until there is evidence presented that supports such a conclusion, and Applicant submits there is not, *prima facie* obviousness has not been presented. Applicant is the first to have claimed this particular combination of features and is entitled to same.

Applicant respectfully submits that this combination of elements as set forth in independent claims 1, 8, 20, 25, 26, 32 and 38 is not disclosed or made obvious by the prior art of record, including Yamashita, as discussed more fully during the **Examiner Interview** discussed above. Likewise, the claims dependent upon independent claims 1, 8, 20, 25, 26, 32 and 38, are also submitted to be allowable at least for the reasons discussed with respect to the independent claims. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

By this Amendment, Applicant has attempted to address all matters discussed in the interview and thereby favorably resolve all outstanding issues. All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the

outstanding Office Action, and as such, the present application is in condition for allowance.
Notice of same is earnestly solicited.

Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: September 24, 2008

Respectfully submitted,

By 

Charles Gorenstein

Registration No.: 29,271

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant